

## FEDERAL PUBLIC DEFENDER

Second Circuit Court of Appeals seeks a Federal Public Defender for Western District of New York. Main office in Rochester, NY, branch office in Buffalo, NY. Travel required. Term is four years; annual salary \$134,000. Minimum qualifications include: (1) admission to the bar in any state; (2) reputation for integrity; (3) five years criminal practice - significant federal criminal trial practice preferred; (4) familiarity with federal sentencing guidelines; (5) ability and commitment to provide zealous and high quality representation; (6) ability to effectively administer professional office. Applicants will be considered without regard to race, color, age, gender, religion, ethnicity, national origin or disability.

Application forms may be obtained on line at [www.ca2.uscourts.gov/JobPostings](http://www.ca2.uscourts.gov/JobPostings) or [www.nywd.uscourts.gov](http://www.nywd.uscourts.gov) or, by calling, writing or faxing a request to:

Office of the Circuit Executive  
Thurgood Marshall U.S. Courthouse  
40 Foley Square, Room 2904  
New York, NY 10007  
Phone (212) 857-8700  
Fax (212) 857-8680

Office of the Clerk of the District Court  
U.S. Courthouse  
100 State Street  
Rochester, New York 14614  
Phone (716) 551-4211 or (585) 263-6263  
Fax (716) 551-3288 or (585) 263-3178

**Application packages will be distributed commencing on October 1, 2003 and must be submitted to the Circuit Executive's Office no later than Friday, November 14, 2003 at 5:00 p.m. (EST).**

**FOR THE SECOND CIRCUIT**

**APPLICATION FOR POSITION OF  
UNITED STATES FEDERAL PUBLIC DEFENDER  
FOR THE WESTERN DISTRICT OF NEW YORK**

**General:**

1. Full name: \_\_\_\_\_
2. All other names by which you have been known: \_\_\_\_\_  
\_\_\_\_\_
3. Present occupation: \_\_\_\_\_ Title: \_\_\_\_\_
4. Office address: \_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_
5. Residential address: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
City: \_\_\_\_\_ State: \_\_\_\_\_  
Zip: \_\_\_\_\_ Telephone: \_\_\_\_\_
6. Place of birth: \_\_\_\_\_  
Date of birth: \_\_\_\_\_
7. Length of residence in New York: \_\_\_\_\_
8. If you are a naturalized citizen, please state the date and place of naturalization: \_\_\_\_\_  
\_\_\_\_\_
9. Spouse's name: \_\_\_\_\_
10. Spouse's occupation: \_\_\_\_\_

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If spouse is an attorney, will he/she practice before the district court if you are appointed?:

Yes \_\_\_\_\_ No \_\_\_\_\_

11. Colleges and universities (including professional schools) attended, dates, degrees, and class standing (if known):

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12. Military service:

Branch	Dates
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Rank or rate at discharge	Type of discharge
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13. Are you related by blood or marriage to any Federal Judge of the Second Circuit or any member of the staffs of the various courts in the Second Circuit? If so, give their names and relationship:

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**Health**

14. Do you have, or have you within the past ten years had, any drug or alcohol addiction, or any serious physical or mental illness?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If "Yes", give details of condition and treatment on attached sheets.

- 14A. Do you have any visual or hearing impairment that would prevent you from performing the functions of bankruptcy judge or that would require accommodation of the court to permit you to perform those functions?

\_\_\_\_\_ Yes \_\_\_\_\_ No

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If "Yes", provide details on attached sheets. (Be assured that the Court is sensitive to the provisions of the Americans With Disabilities Act)

**Honors**

15. Were you a member of any law review? If yes, give names, positions and dates.

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16. If you have published any legal books or articles, please list them, giving citations and dates:

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17. List any honors, prizes, or awards you have received:

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18. Continuing legal education courses completed within last 5 years:

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**Professional Admissions:**

19. List all courts (including state bar admissions) and administrative bodies having special admission requirements in which you are presently admitted to practice, giving the dates of admission in each case:

Court or Administrative Body/	Date of Admission/I.D. No.
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**Law Practice**

20. Attach a chronological list, beginning with your admission to law school, all self-employment and all law firms, public agencies, private businesses or non-profit organizations by which you have been employed or with which you have been associated, stating the name, position, dates, a point of contact, address and telephone number for each.

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21. Describe the general nature of your current practice including any legal specialties which you possess and the characteristics of your typical clients. Additionally, if your practice is substantially different now than previously, please give the same information with respect to your prior practice:

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22. a) Do you regularly appear in court? \_\_\_\_\_

- b) What percentage of your appearances in the last 5 years were in:

1. Federal District and Appeals Courts . . .	_____	%
2. State or Local Courts of Record . . . . .	_____	%
3. Bankruptcy Court . . . . .	_____	%
4. Administrative Bodies . . . . .	_____	%
5. Other . . . . .	_____	%

23. During the past five years, what percentage of your practice has been trial practice? \_\_\_\_\_ %

How frequently have you appeared in court? \_\_\_\_\_ times per month.

How frequently have you appeared at administrative hearings?

\_\_\_\_\_ times per month.

What percentage of your practice involving litigation has been:

Criminal . . . . .	_____	%
Civil . . . . .	_____	%
Bankruptcy . . . . .	_____	%
Administrative. . . . .	_____	%
_____ . . . . .	_____	%
_____ . . . . .	_____	%
_____ . . . . .	_____	%

- a. State the names of cases you have tried to conclusion in courts of record during each of the past five years, including whether you were sole, associate, or chief counsel. Give citations of any reported cases. Do not list more than ten cases.

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- b. State the names of appeals you have handled to conclusion in appellate courts during each of the past five years, including whether you were sole, associate, or chief counsel. Give citations of any reported cases.

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24. With respect to the cases listed for question number 23 (a) as well as any other cases you have litigated during the last five (5) years, list briefly for each such case the issues presented, the name, current address and telephone number of your adversary(ies) and co-counsel in each, and the judge before whom you appeared.

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**Public Office**

25. Have you ever run for, or held, public office? If so, give details.

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26. a) Have you ever held a position as a Federal Public Defender or been a candidate for as a Federal Public Defender? If so, please state the jurisdiction(s) involved and the dates of service, or dates of candidacy:

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- b) Prior Federal Public Defender Service:

Name of Agency: \_\_\_\_\_

Position held: \_\_\_\_\_

Dates of Service: \_\_\_\_\_

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**Business Involvement:**

27. a) If you are now an officer, director or otherwise engaged in the management of any business enterprise, state the name of such enterprise, the nature of the business, the nature of your duties, and whether you intend to resign such position immediately upon your appointment as Federal Public Defender.

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- b) Since being admitted to the Bar, have you ever engaged in any occupation, business or profession other than the practice of law? If so, give the details, including dates.

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- c) State whether during the past five years you have received any fees or compensation of any kind, other than for legal services rendered, from any business enterprise, institution, organization or association of any kind. If so, identify the source of such compensation, the nature of the business enterprise, institution, organization or association involved, and the dates such compensation was paid.

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**Disciplinary Proceedings/Offenses:**

28. a) Have you ever been arrested, charged, or convicted for violation of any federal law, state law, county or municipal law, regulation or ordinance? If so, please give details. Do not include traffic violations for which a fine of \$200 or less was imposed unless it also included a jail sentence.

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- b) Have you, to your knowledge, ever been under federal, state or local investigation for possible violation of a criminal statute? If so, give particulars.

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29. a) Have you ever been sued by a client? If so, give particulars.

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30. Have you ever been involved as a party to any litigation (criminal, civil or administrative)? If so, give details.

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31. Have you ever been disciplined or cited for a breach of ethics or unprofessional conduct by any court, administrative agency, bar association, or other professional group or, without regard to the outcome, to your knowledge has there ever been a complaint against you with or by any court, administrative agency, bar association or other professional group?

\_\_\_\_\_ Yes \_\_\_\_\_ No If yes, give details.

- a) Have you ever been charged or investigated to determine if you should be charged with misconduct, incompetence, unsatisfactory performance of duty or violation of law?

\_\_\_\_\_ Yes \_\_\_\_\_ No. If "Yes", give details

- b) Have you, to your knowledge, ever been found not qualified for any public position by any court, administration agency, bar association or other professional group?

\_\_\_\_\_ Yes \_\_\_\_\_ No. If "Yes", give details.

- c) Have you ever been disciplined or terminated by or resigned to avoid possible termination from any public or private employer, law



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firm or any other entity because of misconduct, incompetence or unsatisfactory performance?

\_\_\_\_\_ Yes \_\_\_\_\_ No. If "Yes", give details.

d) Have you ever resigned from, or for other reasons ceased to be a member of, the bar or bench of any state or court in any jurisdiction, a member of any governmental body, a hearing officer or the holder of any similar position?

\_\_\_\_\_ Yes \_\_\_\_\_ No. If "Yes", give details.

**Taxes**

32. To the best of your knowledge, are you in compliance with the tax laws of the federal government and the state, county and community of which you are a resident?

\_\_\_\_\_ Yes \_\_\_\_\_ No

33. Have you timely filed appropriate tax returns as required by federal, state, local and other government authorities?

\_\_\_\_\_ Yes \_\_\_\_\_ No

34. Has a tax lien or other collection procedure ever been instituted against you by federal, state or local authorities?

\_\_\_\_\_ Yes \_\_\_\_\_ No If yes, give details.

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35. To your knowledge, do you have any unanswered summonses, traffic tickets or notices of infraction against you by any federal, state or local authorities?

\_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, give details.

a) Are there any unsatisfied judgments against you?

\_\_\_\_\_ Yes \_\_\_\_\_ No. If yes, give details.

b) Are you in default in the performance or discharge of any duty or obligation imposed upon you by decree or order of any court or administrative agency, including alimony/maintenance and support order decrees?

c) Have you ever made an assignment for the benefit of creditors?

\_\_\_\_\_ Yes \_\_\_\_\_ No. If "Yes", give particulars.

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d) Has any petition in bankruptcy ever been filed by or against you?

\_\_\_\_\_ Yes \_\_\_\_\_ No. If "Yes", give particulars.

**Professional and Other Activities**

36. a) List all bar associations and legal professional societies of which you are a member and give the titles and dates of any office you have held in such groups, and committees to which you belonged.

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b) List all organizations and clubs, other than bar associations and professional societies identified in response to Question No. 37(a), of which you have been a member during the past ten years, including the titles and dates of any offices you have held in such organization.

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37. Describe any civic, philanthropic, community, social or public service activities during the past five years, including any posts or offices held and honors or awards received.

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**Supplemental Information:**

38. Do any clubs or private associations to which you belong discriminate against women or minorities?

\_\_\_\_\_ Yes \_\_\_\_\_ No

If yes, name of organization

39. State any achievements or actions you have accomplished, demonstrating your commitment to equal justice under the law.

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40. State any additional education or other experiences you believe would assist you in holding a Federal Public Defender office.

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41. State any other pertinent information reflecting positively or adversely on you which you believe should be disclosed to the Court of Appeals and the selection panel in connection with your possible nomination as Federal Public Defender.

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42. Give the names and current phone numbers of at least five (5) but not more than eight (8) persons (excluding relatives) as references who are familiar with your professional work and abilities and with your personal character, stating how long and in what capacity each has known you.

Name and  
Relationship

Telephone  
Number

Period of  
Acquaintance

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**Confidentiality Statement**

This application will be kept confidential and will be examined only by members of the Merit Selection Panel, the Circuit Executive, and the Judges of the United States Court of Appeals for the Second Circuit. The individuals whom you have listed as references may be contacted by the Panel. If you do not wish employers, co-workers, adversaries, colleagues or others (such as physicians and hospitals) to be contacted, please indicate by a check mark, \_\_\_\_\_ .

If you wish to withhold your consent to such contacts until such time as you may be considered a potential finalist for the position, and in that event, consent to such contacts, please indicate by a check mark \_\_\_\_\_ .

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature of Candidate

**Application Submission Requirements:**

Submit an original plus six (6) copies of the completed application, your writing sample of no more than 15 pages, one up-to-date résumé and three letters of reference, all on three-holed drilled paper. In addition, send a diskette, formatted to WordPerfect 10, Word 2000 or Rich text universal format, containing both application and writing sample. Send to:

Office of the Circuit Executive  
United States Courthouse  
40 Foley Square, Room 2904  
New York, New York 10007

Phone (212) 857-8700

**Application packages must be received in the Circuit Executive's Office no later than Friday, November 14, 2003 at 5:00 p.m. (EST).**

**N.B. If you change your address, or if anything occurs that would affect your answers to this application, notice of such change should be sent to Circuit Executive Karen Greve Milton.**